

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. JAN 17 1980

Returned to applicant for correction.

Corrected application filed. Map filed JAN 17 1980 under 40331

The applicant. Unincorporated Town of Montello, Nevada c/o Boyack Surveying,  
Inc.

515 South Fifth Street

of

Elko

Street and No. or P.O. Box No.

City or Town

Nevada 89801

State and Zip Code No.

hereby make<sup>s</sup> application for permission to change the

The Point of Diversion, Manner of Use and Place of Use.

of water heretofore appropriated under. Certificate 1770 - Appln. No. 9073

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is. Garden Springs  
Name of stream, lake, underground, spring or other source.
2. The amount of water to be changed. 0.02 cfs  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for. Municipal  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore used for. General Railroad and Domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point. Lot 5 Section 21, T 38 N, R 70 E,  
MDB & M., at a point from which the S1/4 Corner of said Section 21  
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be  
bears S 36° 28' 39" W 3645.78 feet.  
stated.
6. The existing point of diversion is located within. Lot 8 Section 21, T 38 N, R 70 E,  
MDB & M. (no tie given).  
If point of diversion is not changed, do not answer.
7. Proposed place of use. N1/2; N1/2 SW1/4; SW1/4 SW1/4; NW1/4 SE1/4 Section 17,  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
T 39 N, R 69 E, MDB&M., (that portion of the above lying northerly  
of the southerly Right-ofWay Line of the Southern Pacific Railroad.
8. Existing place of use. NE1/4 SW1/4 Section 17, T 39 N, R 69 E, MDB & M.  
Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.

9. Use will be from. January 1 to December 31 of each year.  
Month and Day Month and Day
10. Use has been from. January 1 to December 31 of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
Works of diversion consist of stone masonry  
specifications of your diversion or storage works.) boxes placed in the excavation in the spring  
area, and back-filled with rubble rock and covered with earth. Water is collected  
from the spring boxes by means of 814 feet of 1 1/2 inch galvanized iron pipe, and thence  
whether through pipes, ditches, flumes, or other conduits. conveyed in a southwesterly direction thru 3324 feet  
of 2 inch galvanized iron pipe to a concrete collection box, located in Lot 3, Sec-  
tion 28, T38N, R70E,; then in common with the water of Parson Springs, is conveyed in  
a westerly direction thru 6913 feet of 4 inch cast iron pipe to a concrete junction  
box, on the Killian Spring Pipe Line, located in the NW1/4 NE1/4 Section 29, T38N, R70E,  
and there co-mingled with the water of Killian Springs and water from springs in Utah;  
and conveyed by means of 2528 feet of 6 inch pipe and 50,530 feet of 8 inch pipe to  
a 350,000 gallon steel tank at Montello, Nevada, located in the NE1/4 SW1/4 Section 17,  
T39N, R69E. From the steel tank the water is distributed by a system of pipes to the  
Town of Montello, Nevada

12. Estimated cost of works. \$50,000
13. Estimated time required to construct works. 3 years
14. Estimated time required to complete the application of water to beneficial use. 5 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This filing is for Municipal Use for the Town of Montello, Nevada. For additional information see maps filed under application 8934. Annual consumptive use is 10,000,000 gallons.

Compared. bl/ jk gk/bc Applicant Unincorporated Town of Montello, Nevada

By s/Alan S. Boyack  
Alan S. Boyack  
515 South Fifth Street  
Elko, Nevada 89801

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use, and place of use of the waters of Garden Springs as heretofore granted under Permit 9073, Certificate 1770, is issued subject to the terms and conditions imposed in said Permit 9073, Certificate 1770, and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

The total combined duty of water under this permit and Permits 40335, 40337, and 40338 shall not exceed 10.0 million gallons annually.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.02 cubic feet per second, but not to exceed 4.7 million gallons annually.

Actual construction work shall begin on or before October 3, 1981

Proof of commencement of work shall be filed before November 3, 1981

Work must be prosecuted with reasonable diligence and be completed on or before October 3, 1982

Proof of completion of work shall be filed before November 3, 1982

Application of water to beneficial use shall be made on or before October 3, 1985

Proof of the application of water to beneficial use shall be filed on or before November 3, 1985

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed NOV 15 1982

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN  
State Engineer of Nevada, have hereunto set my hand and the seal of  
my office, this 3rd day of APRIL  
A.D. 19 81  
William J. Newman  
State Engineer